

## Proposed Otago Regional Policy Statement Hearing – ECO Chapter

### Speaking notes of Murray Brass for the Director-General of Conservation Tumuaki Ahurei

1. These notes are intended to assist the Panel by providing updates to my Evidence in Chief (EiC) in response to matters raised in the hearing so far.
2. Additional objectives referring to the NZTCS: In my EiC (Paras 137 and 149-155) I recommended that two new objectives be added that referred to the New Zealand Threat Classification System (NZTCS). The s42A report opposed these, on the basis that “threat classification is a nationwide assessment, therefore the threat classification of a species found in Otago might not always be dependent on what occurs within the Otago Region”.  
  
3. I remain of the view that reference to the NZTCS is appropriate, as outlined in my EiC. However, having considered the concern raised in the s42A Report further, I consider that it would be possible to refine the drafting to avoid being dependent on activities outside Otago but still recognise the species where Otago is an important contributor to their threat status (ie those which are only found in Otago, are mostly found in Otago, or rely on Otago for some critical life stage). My proposed wording is:  
  
*That activities within Otago do not contribute to any worsening of the threat classification of indigenous threatened species found in Otago;*  
  
*In the term of the RPS, that activities within Otago contribute to improvements in the threat classification of threatened indigenous species found in Otago.*
4. The role of offsetting and compensation: Dr Keesing has expressed a view that offsetting and compensation for development projects is the main way in which environmental improvements occur. While I agree that offsetting and compensation have an important role, my experience is that there are many other ways in which biodiversity improvements occur ‘on the ground’. These include such things as: improvements in farming practices; voluntary landowner actions; the work of a wide range of community and NGO groups in habitat enhancement, species work, predator control, wilding pine control etc; and of course DOC itself undertakes and supports (including through funding) a wide range of ecological enhancements across Otago.
5. I agree with Dr Keesing that the pORPS should provide for the appropriate use of offsetting and compensation. However, it is also important that the pORPS supports and enables the

wide range of voluntary measures that occur within Otago. Current provisions in this regard include Objective ECO-O2, Policies ECO-P1, ECO-P3, ECO-P8, ECO-P9, and Methods ECO-M6 and ECO-M8. These provisions would be expected to lead to regional and district plan provisions that (for example) permit conservation activities, enable pest control, enable restoration planting etc. I therefore support retention of those and any similar provisions *in addition to* provisions for offsetting and compensation.

6. The approach to offsetting and compensation: There has been significant discussion about how offsetting and compensation should operate, including whether they should be a hierarchy or simply a set of options, and whether they should be firm criteria or more general principles.
7. My view is that offsetting and compensation should operate as a hierarchy. On a first principles basis, this is what the Effects Management Hierarchy requires, and such an approach will provide the best overall outcomes for biodiversity.
8. I also consider that the framework for offsetting and compensation is better expressed as criteria than as principles.
9. My views on these matters particularly relate to how offsetting and compensation are considered under s104. In my experience, where offsetting criteria can be fully met for a particular effect, then that effect would normally be considered to have been fully addressed, and so would not weigh against grant of consent but would instead be addressed through conditions around implementation and monitoring.
10. In contrast, where compensation applies there are still elements of the effect which have not been fully addressed, and it is then a decision on the merits as to whether consent should be granted and what conditions should be imposed.
11. Given that, I consider it is appropriate that offsetting and compensation operate as a 'cascade' hierarchy, and that there is a high degree of clarity as to whether offsetting in particular is being met.
12. I note that, where all of the criteria for offsetting cannot be met, it is still open to an applicant to seek to meet as many of the other criteria as they can. In my experience this approach strengthens the value of the compensation, and adds weight in favour of granting the consent. I also note that for proposals with a range of effects, there may well be a mix of

offsetting and compensation across the various effects, and such an approach is entirely appropriate.

13. With regard to s104(1)(ab), my view is that this provides a further step in the hierarchy – even where a measure would not meet any applicable NPS / Policy Statement / Plan provisions for offsetting or compensation, an applicant can still offer up measures that ensure positive effects, and these would then fall to be considered on their merits.
14. New Method ECO-M7A – Kāi Tahu kaitiakitaka: Aukaha has requested, and Ms Hardiman has supported, the addition of a new Method to set out how Kāi Tahu are to be involved in the management of indigenous biodiversity. For the record, I confirm that I support that addition as it is both appropriate in terms of s6(e), s7(a) and s8 of the RMA, and also likely to improve implementation of s6(c) and s30(1)(ga).
15. APP 2 Significance criteria: The Panel has been provided with a Joint Witness Statement in this regard, which proposes some changes to the APP2 significance criteria (some agreed by all, some not).
16. While I defer to the ecological experts within their areas of expertise, I do have some concern from a planning perspective. It is my experience that any combination of ecologists will seek changes to such provisions, reflecting their personal backgrounds and views. My reading of the JWS is that most of the proposed change are of that nature, rather than responding to particular characteristics of Otago's biodiversity.
17. While such changes may have their merits, there is also merit in having consistent criteria across domains and council boundaries. In particular, there will be many species of fauna which move across council boundaries, and also some habitats and vegetation which straddle such boundaries. I therefore consider that the Panel should place weight on the national consistency which can be provided by using the Exposure Draft NPSIB criteria, and that changes to that should only be made whether there is some characteristic specific to Otago which warrants a departure from a national approach.

Murray Brass

19 April 2023